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36 UNITED STATES DISTRICT COURT

37 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

38 EDWARD MILLER,
39 Plaintiff,
40 v.
41 APPTIO, INC. and CLOUDABILITY, INC.,
42 et al.,
43 Defendants.

44 Case No. 4:19-cv-07762-HSG
45 JOINT STATUS UPDATE RE: DISMISSAL
46 OF ACTION

47 Courtroom: 2
48 Judge: Hon. Haywood S. Gilliam, Jr.

49 Action Filed: November 25, 2019

1 Plaintiff EDWARD MILLER and Defendants APPTIO, INC. and CLOUDABILITY, INC.
2 hereby respond to this Court's Order dated April 21, 2020 (Dkt. No. 40), directing the Parties to
3 provide the Court with a status update explaining when the Parties anticipate filing the stipulation
4 for dismissal, as contemplated by the Parties' Joint Notice of Settlement (Dkt. No. 39).

5 A formal written settlement agreement has been prepared and is being reviewed by
6 Plaintiff's counsel. The Parties anticipate that same will be executed within 15 days of the filing
7 of this status update. The Parties expect the conditions of settlement to be completed within 30
8 days of the Parties executing the settlement agreement. As such, the Parties anticipate filing the
9 stipulation for dismissal within 60 days of the filing of this status update.

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1 Dated: April 24, 2020

Respectfully Submitted,

2 By: /s/ Daniel Remer

3 Daniel Remer

4 Attorney for Plaintiff

5 Edward Miller

6 By: /s/ Howard Smukler

7 Howard Smukler

8 Attorney for Plaintiff

9 Edward Miller

10 HOGE, FENTON, JONES & APPEL, INC.

11 By: /s/ Alison P. Buchanan

12 Alison P. Buchanan

13 Christen E. Bourne

14 Attorneys for Defendant

15 Cloudability, Inc.

16 DAVIS WRIGHT TREMAINE LLP

17 By: /s/ Martin L. Fineman

18 Martin L. Fineman

19 Attorneys for Defendants

20 Apptio, Inc. and Cloudability, Inc.

21 **ATTESTATION**

22 Pursuant to Civil Local Rule 5-1(i)(3), I attest that I obtained concurrence in the filing of
23 this document from the other signatories.

24 Dated: April 24, 2020

HOGE, FENTON, JONES & APPEL, INC.

25 By: /s/ Alison P. Buchanan

26 Alison P. Buchanan

27 Christen E. Bourne

28 Attorneys for Defendant

Cloudability, Inc.